

MINUTES

ALCOHOL AND TOBACCO COMMISSION

OCTOBER 15, 2002

CALL TO ORDER/NOTING OF QUORUM

Chairperson DePrez called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Glass, Commissioner Marks and Commissioner Davis. Also in attendance were Major Anderson and Industry Liaison Okey.

Pam Ferguson of WSWI, John Barnett of DISCUS, Lisa Goldner of Bose McKinney and Evans, Jim Calvert of Olinger, and Mark Shublak of Ice Miller were present as observers.

COMMUNICATIONS FROM THE FLOOR

There were no Communications From the Floor.

DISPOSITION OF MINUTES

Vice Chairperson Glass moved to approve the minutes that were submitted for the October 1, 2002 meeting. Motion seconded by Commissioner Davis and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

Chairperson DePrez moved to approve the PAD forms that were submitted for the October 15, 2002 meeting, pending approval by the Hearing Judge. Motion seconded by Commissioner Davis and it was unanimously approved.

APPEAL OF HEARING JUDGE'S RECOMMENDATIONS

There were no Appeals of Hearing Judge's Recommendations.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and

hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Davis and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

Three hundred ninety-three (393) renewals approved, thirty-four (34) new and/or transfer permits approved, fourteen (14) permits conditionally approved, five (5) permits approved for first year escrow and three (3) permits approved for second year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Marks moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR49-19887 AYALA GAMERO, INC. – Vice Chairperson Glass noted this is a new type 112 application with the local board voting four (4) to zero (0) to disapprove.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the new permit. Motion seconded by Commissioner Davis and it was unanimously approved.

RR49-19918 E. W. DESIGN, INC. – Vice Chairperson Glass noted this is a new type 209 application with the local board voting four (4) to zero (0) to disapprove.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the new permit. Motion seconded by Commissioner Marks and it was unanimously approved.

DL20-19873 MARTIN'S SUPER MARKETS OF ELKHART EAST, LLC – Vice Chairperson Glass noted this is a new type 208 application with the local board voting three (3) to zero (0) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the new permit. Motion seconded by Commissioner Davis and it was unanimously approved.

INACTIVE FILES

Commissioner Marks moved to make thirty-eight (38) permits inactive. Thirty-two (32) permits are not subject to auction and six (6) permits are subject to auction. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

This year's auction is scheduled for October 31, 2002 at 10:00 a.m. The list of available permits is on our website.

APPEALS FROM LOCAL BOARD RECOMMENDATIONS

DL28-19854 WAL-MART STORES EAST, LP – Chairperson DePrez stated an appeal has been filed in this matter.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

ARTHRITIS FOUNDATION NORTHEAST CHAPTER FUNDRAISER – The Arthritis Foundation would like to serve donated alcoholic beverages at their fundraiser.

ARTHRITIS FOUNDATION FIRE & ICE BALL AUCTION – The Arthritis Foundation would like to auction an autographed, donated bottle of wine for their Fire & Ice Ball Auction.

RICHMOND CATHOLIC SCHOOLS ALUMNI ASSOCIATION – Richmond Catholic Schools Alumni Association is requesting permission to serve donated wine at their fundraiser.

EXCHANGE CLUB SILENT AUCTION AND WINE TASTING – The Exchange Club is requesting permission to serve donated alcoholic beverages at their silent auction and wine tasting fundraiser.

CHRISTAMORE HOUSE GUILD TREE SPREE – The Christamore House Guild is requesting permission to serve donated alcoholic beverages at their Tree Spree fundraiser.

YOUNG FRIENDS OF ART ENTERTAINMENT EVENT – Young Friends of Art is requesting permission to serve donated alcoholic beverages at their entertainment event.

MACEDONIAN PATRIOTIC ORGANIZATION WINE TASTING – Macedonian Patriotic Organization is requesting permission to hold a wine tasting with donated wine.

BIG BROTHERS BIG SISTERS WINE TASTING – Big Brothers Big Sisters is requesting permission to hold a wine tasting with donated wine.

CYSTIC FIBROSIS FOUNDATION GUYS & DOLLS AUCTION GALA – Cystic Fibrosis Foundation is requesting permission to serve donated alcoholic beverages at their Guys & Dolls Auction Gala.

ST. JOSEPH CATHOLIC CHURCH FUNDRAISER – St. Joseph Catholic Church is requesting permission to serve donated alcoholic beverages at their fundraiser.

AMERICAN DIABETES ASSOCIATION JOSIAH KIRBY LILLY, SR. DISTINGUISHED SERVICE AWARD EVENT – American Diabetes Association is requesting permission to serve donated alcoholic beverages at their Josiah Kirby Lilly, Sr., Distinguished Service Award Event.

BONEFISH GRILL WELLNESS COMMUNITY EVENT – Bonefish Grill is requesting permission to serve donated alcoholic beverages at their charity night.

FATIMA RETREAT CARNEVALE IN VENEZIA FUNDRAISING DINNER – Fatima Retreat House is requesting permission to serve donated alcoholic beverages at their Carnevale in Venezia fundraising dinner.

Commissioner Davis moved to approve these requests. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

POLICY DETERMINATIONS

There were no Policy Determinations.

UNDER ADVISEMENT

There was nothing Under Advisement.

ANNOUNCEMENTS

NOVEMBER MEETING - The Commission meeting originally scheduled for November 5, 2002 at 2:30 p.m., has been changed to November 4, 2002 at 2:30 p.m.

ADJOURNMENT

Vice Chairperson Glass moved to adjourn the meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

Approved this _____ day of _____, 2002.

MARY DEPREZ, CHAIRPERSON

BARBARA L. GLASS, VICE CHAIRPERSON

JAMES DAVIS, COMMISSIONER

GIGI M. MARKS, COMMISSIONER